

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ORDER

This matter is before the Court on Defendants' Motion to Dismiss Case in Its Entirety due to Mootness, [Doc. No. 75]. Plaintiffs have not responded to the motion. For the reasons set forth below, the Motion is granted.

Since the filing of this action, Defendant ASCIS has adjudicated all of the named Plaintiffs' petitions and applications. Thus, there are no claims currently pending before the Court.

“Federal courts only have jurisdiction to hear actual cases and controversies.” *County of Mille Lacs v. Benjamin*, 361 F.3d 460, 463 (8th Cir. 2004) (citing U.S. Const. art. III, § 2, cl. 1). “Occasionally, due to the passage of time or a change in circumstance, the issues presented in a case will no longer be ‘live’ or the parties will no longer have a legally cognizable interest in the outcome of the litigation. When such changes prevent a federal court from

granting effective relief, the case becomes moot.” *Ark. AFL-CIO v. Federal Communications Commission*, 11 F.3d 1430, 1435 (8th Cir. 1993) (internal citations omitted). Mootness is a jurisdictional bar. *Id.*; see also *Charleston Housing Authority v. United States Dept. of Agriculture*, 419 F.3d 729, 739 (8th Cir. 2005). “Questions of mootness are matters of subject matter jurisdiction”). Thus, because this case is now moot, subject matter jurisdiction no longer exists, and this case must be dismissed.

Plaintiffs have filed a Motion for Leave to Amend the Complaint to Add Plaintiffs. However, because subject matter jurisdiction is lacking, and there are no remaining Plaintiffs with actual controversies pending, the Court lacks jurisdiction to consider that Motion. Fed.R.Civ.P. Rule 15.

Accordingly,

IT IS HEREBY ORDERED that Defendants’ Motion to Dismiss Case in Its Entirety due to Mootness, [Doc. No. 75], is **GRANTED**.

IT IS FURTHER ORDERED that this matter is dismissed, without prejudice.

Dated this 15th day of November, 2010.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE